

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected the claims as being anticipated by or obvious in view of the Hochmair patent, the Hochmair publication and/or the Kuzma patent. The Applicant respectfully traverses these rejections.

As disclosed in the specification and in Fig. 2, the aural receptors along the inner wall of the cochlea are positioned so that they are spaced at a distance that gradually diminishes as the receptors approach the center of the cochlea. The present invention provides an electrode array with electrodes that are spaced along the area in a similar pattern. More specifically, the electrodes are spaced to match the position of these aural receptors along the inner wall of the cochlea. In this manner, when implanted, the array can provide closer and more effective stimulation signals to the receptors.

The Examiner applied a very broad interpretation of the claims and argued that the claimed elements are found in the prior art. The Applicant respectfully disagrees. As explained before, and as clearly recited in the claims, an important feature of the invention is to provide an electrode array with evenly spaced electrodes selected to match the uneven distribution of the aural receptors in a person's ear. It is respectfully submitted that none of the cited references disclose anything similar to this concept and the Examiner fails to address this point in his rejection. The Examiner only argues that the reference show an uneven electrode distribution. It is respectfully submitted therefore, that the Examiner has failed to make out a prima facie case of anticipation or obviousness.

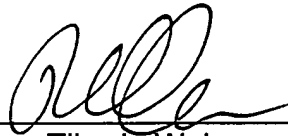
It is respectfully submitted that the claims are patentably distinguishable over the prior art of record.

The Commissioner is authorized to use Deposit Account No. 07-1730 for any fees that may be required including fees for extensions. This is a continuing request.

Respectfully submitted,

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